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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/666,609

09/20/2000

Tomomi Takada

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07/15/2004

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EXAMINER

DUGGINS, ALICIA M

ART UNIT

PAPER NUMBER

2616

4

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,609

Applicant(s)

TAKADA ET AL.

Examiner

Alicia M Duggins

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamegai (US5442614).

Regarding claims 1-4, Tamegai shows a method for recording/reproducing information on a disk shaped recording medium comprising:

- Performing a verification of recorded information mode (fig.5 S3 col.6 ll.17-24)
- Although Tamegai fails to specifically teach the use of setting retry times to zero, using a retry counter is well known (see col.2, ll.15-16) which counts and is therefore set to zero to start. Since such retries are often used it would have been obvious to one of ordinary skill in the art to prevent undue attempts at recording on a faulty medium as shown by Tamegai.
- Switching an automatic defect exchange function, which is shown in (col.1 ll.23-30), where it is stated that when a defect occurs, the area where the data was to be recorded is exchanged for another region where no defect is present.

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- Designating in advance a recording region of a predetermined size and recording information on a predetermined size unit is shown in (col.2 ll.54-59), where the predetermined size is a sector, and in the abstract (ll.5-10) it is shown that the predetermined data size is equal to a data size that is treated in an error correction process as required in claim 2 (col.2 ll. 54-59)
- In fig.2 the host computer (32) is the control unit which controls all of the aforementioned functions (col.4 ll.26-27)

Regarding claim 5, Tamegai shows in fig.5 (S9) information being reproduced from a recording medium and when a read error occurs information is read that was before the information with the error is read (col.6 ll.17-21)

Regarding claims 6-9, fig.2 shows

- an input device shown as a micro-processing unit (33) whereby the MPU communicates with the host computer (32) to operate the recording/reproducing unit for inputting information
- a recording /reproducing unit (31) coupled with the input device (MPU) for recording information on a recording medium and for reproducing information that has been recorded (col.5 ll.11-14)
- a recording/reproducing control unit is shown as the host computer (32) (col.4 ll. 23-27)

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- the recording/reproducing unit has a first control unit shown as AT/AF control circuit (34) which moves the beam about the optical disk which is performs a verification of recorded information in fig.5 S3 ((col.6 ll.17-24)
- a second control unit to designate in adv advance a recording region of a predetermined size
- the micro-processing unit (33) acts a control unit for the processes described in claims 7-9 (col.6 ll.17-46)

Regarding claims 10 and 11, it is shown that the reproducing medium is a removable disk (col.1 l.14) and a DVD-RAM is a type of optical disk

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703)305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703)305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD
6/24/04


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600